

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 24-CR-032 MV

FRANCISCO DIAZ,
Defendant.

**OPPOSED MOTION TO AMEND JUDGMENT AND
COMMITMENT ORDER ISSUED ON MARCH 6, 2025**

COMES NOW defendant, Francisco Diaz, by and through his counsel of record, Erlinda O. Johnson, and hereby respectfully moves this Court to amend the judgment and commitment order issued on March 6, 2025, and as reasons therefore submits the following:

1. On February 25, 2025, the Court sentenced Mr. Diaz on one count of possession with the intent to distribute 500 grams and more of cocaine. Mr. Diaz was sentenced to a term of imprisonment of 70 months in the custody of the Bureau of Prisons. (doc. 172)

2. As part of the sentence, the Court imposed a fine of \$25,000. In connection with the imposition of the fine, the Court ordered,

The defendant will pay a fine of \$25,000. This sum will be paid in full immediately, or monthly in the amount of \$500 or 20% of the defendant's monthly earnings, whichever is greater.

(doc. 172 at 6).

3. Mr. Diaz has begun the service of his sentence at a Bureau of Prisons facility

wherein he was advised by his case manager that because of the language in the judgment he is required to begin paying \$500.00 per month on the \$25,000 fine, while he is in custody.

4. However, Mr. Diaz represents that he is currently not employed as he is in custody and is unable to pay \$500 per month while incarcerated.

5. Therefore, Mr. Diaz respectfully moves this Court for an order amending the judgment and commitment order to reflect that payment of the fine can begin once Mr. Diaz is released from prison.

6. Mr. Diaz is not requesting a reduction of the fine imposed. He is simply requesting the Court authorize payment of said fine to begin once he is released from custody as he represents that he currently does not have the means to submit the monthly \$500 payment.

7. Mr. Diaz respectfully moves the Court for an order amending the judgment and commitment order and for the issuance of an amended judgment and commitment order, with a provision that indicates that payment of the \$25,000 fine may begin within 60 days of release from the custody of the U.S. Bureau of Prisons.

8. The government, through AUSA David Hirsch advised he objects to the relief requested herein.

Wherefore, for the foregoing reasons, Mr. Diaz respectfully requests this Court amend the Judgment and Commitment order to reflect that payment of the \$25,000 may begin within 60 days of Mr. Diaz's release from custody of the U.S. Bureau of Prisons.

Respectfully Submitted,

electronically filed 6/4/25
Erlinda O. Johnson
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I hereby certify that a true
And correct copy of the foregoing
Was provided to AUSA David Hirsch
on this 4th day of June 2025.

/s/

Erlinda O. Johnson
Attorney at Law